

Montana Transportation Commission

April 27, 2004 meeting

Red Lion Hotel ~ 2100 Cornell Avenue, Butte

In attendance:

Shiell Anderson, Commission Chair; Nancy Espy, Commission Vice Chair; Kevin Howlett, Commissioner; Meredith Reiter, Commissioner Dan Rice, Commissioner; Tim Reardon, Chief Counsel; Jim Currie, Deputy Director; Dave Galt, Director of Transportation; Gary Larson, Project Analysis Bureau Chief; Joel Marshik, Chief Engineer; Janice Weingart Brown, FHWA Division Administrator; and Mike Duman, Assistant FHWA Division Administrator.

Please note: the complete recorded minutes are available for review on the commission's website at http://www.mdt.state.mt.us/trans_comm/. You may request a compact disc (containing the audio files, agenda, and minutes) from the transportation secretary at (406) 444-7200 or ldemont@state.mt.us. Alternative accessible formats of this document will be provided upon request. For additional information, please call (406) 444-7200. The TTY number is (406) 444-7696 or 1-800-335-7592.

DELEGATION: North Meridian Road – Kalispell

Jim Hansz, City of Kalispell

Currie stated that since the last meeting, we met with staff from FHWA's western resource center to see if it's feasible for a local government to use their bonding authority and use the urban allocation as the means to repay the debt service. It appears at this point that it probably is, but there are still some loose ends to tie up.

Jim Hansz, public works director for Kalispell, said the city has passed a resolution to work with the department toward this end. The city is working with their bond council regarding the question of whether or not a local government has the authority to generate a bond, and their bond council is drafting an opinion for submission to the Attorney General who will make the final determination.

Their plan B is to work with the Board of Investments to create a new program that would allow local governments to partner with the state and take on projects such as North Meridian Road. The third option would be to seek legislative relief.

Hansz said they are moving forward to a November letting on the project. They are getting ready for a plan-in-hand for utility relocations.

Currie said we will plan to deal with the unknown of federal funding levels by placing some limit on the amount of the urban allocation that's available for repayment of debt service. That way we won't get in over our heads.

Loran Frazier, MDT Missoula district administrator, said we have a negotiated agreement with the Days Inn that allows us to close access to their business while we build a retaining wall. The construction permit has a shelf life so we would like to do that this fall as previously negotiated.

No was action taken pending further information, particularly the Attorney General's opinion.

02-04-02 Speed limit studies

We have local government concurrence for all the studies except for Glasgow West. They would prefer 45 mph all the way out to west of town. Our recommendation is a transition zone using 65-55-45 mph. The community is not going to oppose our recommendation.

- a. US 2 – Nashua
- b. US 2 – Glasgow East
- c. US 2 – Glasgow West
- d. Secondary 269 – Hamilton to Corvallis – making official an interim speed zone
- e. MT 80 – Geraldine – making an existing posted speed zone official

Howlett asked if we speak to long-time members of the community and get their opinions, in addition to the scientific data that's collected? Marshik responded that we do. We rely on the district administrators to help interpret the technical information and provide that human element. We also rely on you, the commissioners, to help with that. We certainly are not looking to create an adversarial position regarding speed zones.

Currie – this is a controversial issue. The department has a responsibility to conduct traffic and engineering studies according to the national standards. We are required to provide a recommendation to the commission. The commission is not obliged to adopt that recommendation.

Commissioner Espy confirmed that there is good communication between the department and the local governments.

Commissioner Reiter moved to accept staff recommendation; Commissioner Espy seconded. All commissioners present voted aye.

02-04-03 Fencing Secondary 384 (*Hardin East*)

Marshik said we are doing a project on this 12-mile section of road and, because a cow-vehicle collision problem has been identified, we would like to install fencing as part of the project. The cost would be approximately \$12,000 per mile, for about 25 miles (both sides of the road). Also, we will put water on one side of the road so that the cattle don't have to cross the road to be watered. It will be funded with safety (hazard elimination) funds, whereas the asphalt portion will be paved with pavement preservation funds.

Commissioner Espy moved to accept the staff recommendation to approve the addition of the fencing to the project; Commissioner Reiter seconded the motion. All commissioners present voted aye.

DELEGATION: Fowler Avenue extension to Huffine Lane (US 191) – Bozeman

City of Bozeman and Mitchell Development Group

and

02-04-01 Developer-financed improvements to Huffine Lane/College Street/Garfield Street – Bozeman

Mitchell Development purchased a 73-acre parcel adjacent to Huffine Lane (US 191) on the west side of Bozeman opposite the mall. This portion of US 191 is subject to an access control resolution and the developer is requesting access to Huffine Lane.

John Davison of Mitchell Development Group explained their project will be going through the subdivision process shortly. They also requesting – and will fund – a signal at the intersection of Fowler and US 191, including turning lanes. MDT has a project to widen South 19th from Main past the College intersection. Mitchell Development will also add a left turn lane from Garfield onto South 19th. South 19th and College is a very congested intersection, particularly during rush hour. This will help provide a relief valve for that. Putting in the roads as proposed is predicted to provide 6,000 cars worth of relief per day, as well as eliminate 300 left turns from Huffine onto College. The property is zoned for office and commercial use and we intend to build a nice upscale development there.

Marshik clarified that we are asking for two actions here. The first is to allow for the connection of Fowler Avenue onto the state system (US 191). The second is for the commission to approve the Mitchell-financed project and delegate its authority to allow the developer to let the project, pending concurrence by the chief engineer.

Jeff Ebert, MDT Butte district administrator, stated that the developer had been asked to communicate with adjacent businesses. In so doing, he understands they are very supportive of the proposed improvements.

Commissioner Howlett moved to approve staff recommendations; Commissioner Rice seconded the motion. All commissioners present voted aye.

Commissioner Rice commented that the Mitchell family, as third-generation Americans and Montanans, are not speculators, they are true investors and will be with this project for decades. They will be wonderful assets to the community. All commissioners present voted aye.

Ted Mitchell thanked the commission for their approval.

02-04-04 Amend access control resolution in East Helena

The city is in support of the request. Rice asked how this compared to a similar request that was denied up in Libby, given that the staff write-up states “the exact use of the property has not been determined.” Marshik clarified that the current activity has been defined, however, the business expansions haven’t been fully defined. Anderson thought the difference was there is a clearly defined benefit to the community by removing freight from residential neighborhoods, whereas the Libby gentleman’s work was purely speculative.

Reardon thought Rice raised a valid concern and suggested the commission limit the change in access to that which is clearly defined – the truss business – rather than an open-ended commercial approach. And, direct the department to limit the access permit to the truss business. If Mr. Spencer adds other commercial development, he would be required to work with the department on that. That way the systems impact process won’t get circumvented. That would seem to be a reasonable approach. Marshik confirmed that a cabinetry business is also using the access and should be named.

Commissioner Howlett moved to allow Mr. Spencer, owner of Casey Truss, direct access onto US Highway 12 on the eastern edge of East Helena, with the stipulations named by Tim Reardon. Commissioner Reiter seconded. All commissioners present voted aye.

02-04-05 Process for revocation of motor carrier permit privileges

We talked about this last time, and there was some debate as to whether such a revocation would be temporary or permanent. Galt said that statute allows the department to permit or not permit, and the commission has the ability to override the department. A permanent revocation may not be advisable, and we propose the commission approve the draft policy as previously presented.

Commissioner Espy referred to the particular violations listed and asked Galt if the department would wait this long to revoke a carrier’s permit. Galt clarified that some violations are more serious than others, for example, one tire out of many having a spot with inadequate tread depth, versus driving without brakes. There needs to be some room for discretion. It would be helpful to have a policy in place that clearly defines the commission’s and department’s roles.

Commissioner Reiter asked about the feasibility of having a hearing after a certain number of violations. Galt said we do that. Current practice is to revoke permits when there is a violation. What we’re struggling with is getting to the point where there are no more permits for a carrier, period.

Commissioner Espy thought the numerous violations on the same date should raise a red flag. Galt agreed that the carrier referenced had serious violations.

Commissioner Rice offered an opinion that the system, in a way, has helped create carriers like this, because there is no serious risk to them for not operating legally...and, in this case, we’re only seeing what was caught! We do need the threat of no permit, but that being said, too much discretion could allow for inconsistent treatment of carriers and/or the perception of the department being arbitrary. There should be some consequence that is indeed painful to the carrier.

Galt emphasized the importance of staff being able to assess a carrier in terms of observable trends.

Commissioner Howlett wondered if there would be a way to track the violations so that when a certain threshold is reached, the revocation is imposed until the problems are fixed.

These carriers offer a serious safety threat to the traveling public. Galt said we address violations and require that they be fixed before the carrier can proceed. What this proposes to do is address a carrier that has a seriously deficient safety culture. In essence, this revocation would have the potential to put the carrier out of business. Howlett thought carriers that continually pose a safety threat to the traveling public should be put out of business.

Reardon likened the process to criminal law, where a certain number of misdemeanors eventually constitute a felony. The difficulty that exists is where the line is drawn. Is it the number of violations or the nature of the violations that should drive the decision for revocation? What if it's just one driver out of 25 in a company that is a bad apple? I think there should be some culpability of scale and that's where the need for discretion and judgment enters in.

Since the company (Rocon) is out of business, Rice asked staff to watch the particular person that was cited for so many violations. Galt said they are.

Drew Livesay confirmed that the administrative rules give MCS the authority to revoke permits, and the duration is listed as being discretionary.

Commissioner Rice moved to adopt the draft policy; Commissioner Espy seconded. All commissioners present voted aye.

02-04- 22 Federal Transit Administration Section 5311 Capital Assistance Program

Dick Turner said this program supports nine rural general public transportation systems in Montana. Butte happens to be the largest of those nine. Each year, we request applications for operating and capital assistance. We review and rank those in conjunction with the Montana Department of Public Health and Human Services and the Governor's Office of Indian Affairs. The list of projects you see range from a seven-passenger minivan to a 25-passenger diesel bus. MDT staff will make sure the vehicles financed through this program meet federal specifications.

Commissioner Howlett asked if the department had not received requests from any tribes? Turner explained that two out of the nine rural general public transit providers are on the reservations: one in Browning and one in Fort Peck. We provide both operating assistance and capital assistance, with a priority placed on operating assistance. They applied for operating assistance (which pays for driver salaries and operating costs) and we are providing that. Capital assistance can provide a range of equipment, from buses to personal computers and radios. Quite often, the 5311 providers do not submit applications for capital assistance, for a variety of reasons, which he listed.

Commissioner Howlett expressed concern at the lack of tribal involvement. Turner confirmed that MDT conducts a significant public outreach effort, including workshops where we offer instruction on how to complete the application and meet the FTA [Federal Transit Administration] requirements. MDT offers financial assistance for providers that otherwise would be unable to afford to participate in the training.

Rice asked what the difference is between a bus and a trolley, and if we are receiving requests for context-sensitive solutions in the transit arena. Rice was adamant that we should be providing the basic services first and not spending funds on luxury items until the basics are available.

Gary Keeler, manager of the Butte transit system, said this trolley is part of Butte's fixed route system, and although it is not intended to focus on the tourists, we hope it will be attractive to tourists. The match will be provided by the urban revitalization committee. Federal requirements require us to operate a paratransit system and we provide a door-to-door service to those who cannot use the fixed route service.

Commissioner Howlett followed up on Commissioner Rice's observation with a comment that most people are probably concerned about getting where they need to go, and they're not worried if they ride in a trolley or a bus. Howlett said he was not comfortable voting on this item until he had reviewed the information submitted by the tribes, given that there is such an incredible need out there. Turner said there are always more applications than

there is funding, that is why we work with representatives from DPHHS and the Governor's Office of Indian Affairs to review and rank the applications.

Galt – we don't have indirect cost calculated into this program, so we are going to have to go back and recalculate the amount available to the grant program. Currie said there is no indirect cost in item 21 but there is in 22 and 23. We will take this up again after lunch. Turner said he could get the list of applications by then, but the necessary adjustments will take longer.

Commissioner Espy moved to continue the discussion on agenda items 22 (the Federal Transit Administration Section 5311 Capital Assistance Program) and item 23 (the Transit Section 5310 Capital Assistance Program) at the next commission meeting; Commissioner Rice seconded the motion. All commissioners present voted aye.

02-04-07 MDT-FHWA partnership agreement

A substantial amount of work has been put into this agreement, which historically has been just between MDT and FHWA. It is a roadmap to how we do business and interact together. Starting in 1991, under ISTEA, the federal transportation department was allowed to delegate certain tasks associated with designated projects to the states, including responsibilities for design, plans, specifications, contract awards, contract change orders, and contract claims. TEA-21 expanded that. Brown said the reason the commission is being asked to be part of the partnership agreement is because of the role the commission plays in approving change orders, etc. In essence, the commission takes on the role of the US DOT secretary in those instances. It underscores the collaborative nature of our work but also helps define which entities are responsible for what. We are required by federal law to have this agreement in place.

Duman and Galt said there may be changes to the agreement depending on how the federal transportation reauthorization plays out. Brown hoped changes would be effected via an amendment to the agreement rather than a new agreement.

Commissioner Reiter moved to accept staff's recommendation; Commissioner Espy seconded the motion. All commissioners present voted aye. Commissioner Espy expressed her appreciation for the work the Federal Highways and department staff have done on this.

02-04-08 Construction contracts – changes

Reardon explained that this was intended to be provided as a follow-up. However, Cary Hegreberg of the Montana Contractors' Association has requested that we hold the discussion, as per the letter he provided.

Commissioner Reiter moved to delay discussion and action on this item to the next meeting; Commissioner Espy seconded the motion. All commissioners present voted aye.

02-04-09 Policy review

Galt – what you have in front of you is an effort to formalize all the things the commission calls "policies." It's been a personal project of mine to have those policy statements clearly defined and in a single, readily accessible, published location. We went through a policy review and revision at our Kalispell meeting a few months ago. What this is are those policy guidelines that were taken action on and are documented in the minutes. What direction would the commission like to take with this?

Commissioner Espy was in favor of moving forward with formalizing relevant commission action into policy documents. Commissioner Rice commented that it would appear that certain of these items could be combined into one policy, for example, the dollar amount thresholds.

Commissioner Reiter moved to accept Dave's recommendation; Commissioner Espy seconded the motion. All commissioners present voted aye.

02-04-10 Amendment to Rest Area Plan regarding city park rest areas

Back in 1998-1999, in response to public concern, the department went through a concerted effort to develop a rest area plan to improve the quality of rest areas in Montana. We did not include the city park rest areas in that plan, because we viewed them as a temporary solution. The city park rest area program allowed us to provide a local government \$100,000 over a ten-year period, with the understanding that they would maintain the rest area, and we would sign it as a state rest area. In some cases, the ten-year agreements have run out and the communities are not able to finance the continued maintenance needs.

Rest areas have to compete with highway needs for funding. Because we aren't able to implement the plan as quickly as we had hoped to, we are asking the commission to amend the Rest Area Plan regarding the city park rest area program. This amendment will allow MDT to offer additional funding assistance (based on availability) to participating local governments to maintain or improve city park rest area facilities that are older than ten years and that MDT determines are still serviceable. The amendment outlines the parameters for participation. This is not expected to not diminish maintenance at existing state rest areas or slow the construction of new rest areas.

Commissioner Espy moved to accept the proposed amendment to the rest area plan; Commissioner Rice seconded the motion. All commissioners present voted aye.

02-04-11 Montana Rest Area Plan update

This is the first of annual updates to the commission regarding the rest area plan. The primary change this year is the reinclusion of the city park rest areas on the map. Currie recognized Monica Smith of the legislative audit staff, present to observe the follow-up to their audit.

Commissioner Espy asked about the rest areas between Billings and Hardin, which is slated to be maintained until it's abandoned. Reiter said there is a problem with water at that location and the rest area will be moved to the Lodge Grass intersection.

Currie said we are being forced to close rest areas because of water quality problems, such as on Homestake Pass, or because of spacing problems, e.g. Bearmouth. It's ideal for rest areas to be spaced with about 60 minutes of driving time between them.

Turner talked about the rest area feasibility study and the recommendation for a single facility in the southwest quadrant of the Battlefield interchange. We are planning to build that rest area in conjunction with a project to fix the interchange. The Hardin rest areas are also considered too close to Billings to be of maximum value.

Commissioner Rice moved to adopt staff's recommendation that suggested changes be made to the rest area planning map; Commissioner Espy seconded the motion. All commissioners present voted aye.

02-04-12 Cost changes for projects in the Helena area

Two pavement preservation projects in Helena had cost overruns. We are asking for the additional cost of these two projects to be funded through the signal upgrade program. As such, it will be a zero overall impact to the districts' funding. The city of Helena has worked with us on this proposal and is in agreement with it.

Commissioner Rice moved to approve staff's recommendation for an additional \$148,000 for CM 5805(8) *Benton – Custer to Wilder* and \$84,000 for the CM 5815(4) *Cruse – Park to 11th*; Commissioner Reiter seconded the motion. All commissioners present voted aye.

02-04-13 Emergency relief project – Sula slide

The total cost of the project to repair the slide was \$1,047,500. We are asking the commission to approve this project cost from state funds, pending federal-aid reimbursement. The low bidder was Mungus out of Philipsburg and they did a great job. There is the potential for the Missoula district to overspend its NH funds until the reimbursement is received.

Commissioner Howlett moved to accept staff's recommendation; Commissioner Reiter seconded the motion. All commissioners present voted aye.

02-04-14 FFY 2004 earmarks on MDT right-of-way

MDT has received the following congressional earmark funding for federal fiscal year 2004:

- \$800,000 for the *Claggett Hill/Lewis & Clark ferry boat facilities*
- \$1.42 million for *Taylor Hill Road (Secondary 234)*
- \$1 million for *US 93 Evaro-Polson wildlife crossing*
- \$2 million for the *Billings bypass development*
- \$3.5 million for *Secondary 323 Alzada – Ekalaka*
- \$3.5 million for *US 93 Kalispell bypass*
- \$300,000 for the *Manhattan-West Gallatin River Trail*

Rice asked if \$300,000 reflected the typical cost of a 1.5 mile bike path. Since it was not clear what the scope of the work is, or what right-of-way acquisition was needed, staff could not answer the question.

Commissioner Espy moved to accept staff's recommendation to approve these projects as listed; Commissioner Howlett seconded the motion. All commissioners present voted aye.

02-04-15 FFY 2004 earmarks off MDT right-of-way

No action required.

02-04-16 Increase in scope and cost of *Turn Bay-W Three Forks Interchange* project

Commissioner Rice moved to approve the increased scope and cost of the project; Commissioner Reiter seconded the motion. All commissioners present voted aye.

02-04-17 Increase in cost to *1998 District 1 Slope Flattening & Guardrail* project

Commissioner Espy moved to approve the additional work and funds for this project; Commissioner Howlett seconded the motion. All commissioners present voted aye.

02-04-18 Enhancement projects: *US 2 Sidewalks – Wolf Point* and *Pedestrian Path - Florence*

Commissioner Rice moved to accept staff's recommendation and approve the projects; Commissioner Reiter seconded the motion. All commissioners present voted aye.

02-04-19 Traffic signals – Hamilton

Following pedestrian fatalities on US 93 in Hamilton, we were asked by the local government to install traffic signals at two intersections. The city had attempted to improve safety by instituting a flag program, but it has not proven wholly effective. We do not have funding to build both signals any time soon, so we're asking the commission to allow us to use state funds to perform preliminary engineering and final construction of these two traffic signal improvement projects: one at the intersection of Pine Street and US 93, and the other at the junction of Ravalli Street and US 93.

Commissioner Howlett moved to adopt staff's recommendation to use an estimated \$410,000 of state funds for these two signal installation projects; Commissioner Rice seconded the motion. All commissioners present voted aye.

02-04-20 2004 MACI statewide air quality equipment project

This program allows us to purchase equipment to help communities with dust control and air quality problems, in the hopes of preventing them from becoming designated nonattainment areas. The local governments will provide the 13% match for the equipment purchases.

Commissioner Howlett asked what might be available to deal with air quality problems from dust generated on dirt roads. Turner confirmed that we receive many such requests. DEQ has found that PM10 problems, typically worst in January, February and March, are more attributable to paved roads. This is in part because of the larger traffic volumes on those roads, and the sanding material applied as part of winter maintenance practice. Commissioner Howlett emphasized the problem in western Montana and the need for the issue to be elevated to further discussion.

Commissioner Espy moved to approve the \$4.6 million project to provide sweepers, flush trucks, and deicer applicators to local governments and MDT; Commissioner Reiter seconded the motion. All commissioners present voted aye.

02-04-21 STP-funded transit capital assistance

Dick Turner stated that in both the House and Senate versions of the transportation reauthorization bill, there is the potential for significant increases to 5310 and 5311 funding, up to 50% in some of the categories. He indicated that Rail, Transit and Planning Administrator Sandy Straehl believes there is some question as to whether or not STP-funded capital assistance will continue to be needed in the future.

Commissioner Espy moved to accept staff's recommendation of the list of STP-funded capital assistance projects; Commissioner Reiter seconded the motion. All commissioners present voted aye.

02-04-24 Rock Creek-West of Philipsburg project

This is a small project to provide riprap scour mitigation for the bridge over Rock Creek, about 14 miles west of Philipsburg on Secondary 348. It was our intent to pay for this with maintenance funds but it got outside the scope of maintenance.

Commissioner Rice moved to approve the use of bridge funds for preliminary engineering and construction work on this project; Commissioner Howlett seconded the motion. All commissioners present voted aye.

02-04-25 Increase in scope to D2-Scour Protection project

Hydraulic action is scouring out around the bedding of the river around the pier of a bridge over the Jefferson River on US 287 at reference post 93.6, undermining the foundation of the bridge.

Commissioner Espy moved to accept the additional bridge funding so that this bridge might be added to the *District 2-Scour Protection* project; Commissioner Reiter seconded the motion. All commissioners present voted aye.

02-04-26 Letting schedule for 2005

Eleven lettings are scheduled for 2005 (no letting in October). Commissioner Rice moved to accept the proposed letting dates for 2005; Commissioner Espy seconded the motion. All commissioners present voted aye.

DELEGATION: Scenic-historic byways

Homer Staves (Scenic-Historic Byways Advisory Council) and Montana Promotion Division staff

The commission agreed to start down the path leading to a scenic-historic byways program in Montana. A council has prepared draft rules for the commission's consideration. Turner confirmed that the draft rules do comply with commission requirements, hence the recommendation to approve the draft rules and direct staff to begin the rulemaking process.

Homer Staves, chairman of the scenic-historic byways council, talked about the process the council followed. He expressed appreciation to MDT staff for their work in identifying applicable legislation and the areas the council had missed. He emphasized that the rules are written to preserve landowner rights. The program is therefore limited to roads that pass through public or tribal land. The committee decided not to require a detailed corridor

management program for the state level (as is required for federal designation). Any scenic-historic designation will need to be made by commission.

Chairman Anderson expressed concern with the language allowing for the expansion of the scope of the program to include private lands. Galt concurred. Reardon confirmed that the department designates the program; the commission designates the routes.

Galt proposed we resubmit the rules to the commission for final approval before proceeding to the administrative rules process. No action was taken; => follow-up next time.

The discussion was continued later in the meeting – please see page 11.

02-04-06 Outdoor advertising rules – revisions

The commission is, by law, charged with administering the outdoor advertising program, which is a federally mandated program. The department has undertaken an ambitious program to deal with outdoor advertising signs, at the urging of the director and with encouragement of FHWA. Reardon explained that making changes to these rules would necessitate a hearing and recommended the commission appoint a hearings officer.

The intent is to make these rules a bit more user-friendly and simplify the process somewhat. One big change involves the fee structure, charging 20c per square foot, as opposed to a pro-rated structure based on sign size.

Based on the results of the hearing, the commission can propose to adopt, modify or reject the rules. This would apply only to the interstate and primary highways.

Galt explained some of the situations that brought this issue to the forefront: “welcome to” signs and signs on private property describing a business or service provided on that land, e.g. horses for sale. It will make it easier for staff to administer the program.

These rules are compliant with the federal beautification act and state statute but eases some of the restrictions.

Rice asked about the fee structure. Conceivably, a 4x8 sign would have a \$6.40 renewal fee every three years. He proposed that this fee would not cover the overhead costs to process it. Pat Hurley, MDT outdoor advertising coordinator, explained that there is an initial application fee of \$40. Reardon confirmed that clarification is needed. Galt said we will review article 2 and the fee issue and move forward with publishing these rules. Reardon was appointed hearings officer.

Commissioner Reiter moved to accept the recommendations; Commissioner Rice seconded the motion. All commissioners present voted aye.

DELEGATION: Helena interchanges – Custer and South Helena

Lewis & Clark County; Jefferson County; City of Helena

Currie said the south interchange, identified in the Interstate 15 corridor environmental impact statement (EIS), is a great example of public-private partnership in developing transportation resources. We have \$5.8 million left over from the Forestvale interchange which could be used toward the development of a south Helena interchange. This amount would be available for the project in total, including the frontage road on the west side of I 15. The project is estimated to cost \$6.375 million and we are working very closely with the local governments – the city of Helena, Jefferson county, and Lewis and Clark county – and a private developer on developing on a funding package to close the gap.

Right-of-way in the amount of \$807,400 has been donated and will be used as an “in kind” match. Design is being donated by a private firm. The city and counties are willing to put CTEP funds toward the project in the amount of \$540,000. These funds would be used on eligible expenses, such as sidewalk. The match ratio is 80/20.

What we are asking for today is approval for \$100,000 for preliminary engineering that will allow us to continue to advance this project towards construction. It will allow us to put the project on the books and give us a number to charge toward. Once a funding package has been put together and design work completed, we will bring the project back to the commission for approval to advance to construction of the actual interchange.

The frontage road is important because any proposed interchange must connect to a local transportation system. The city of Helena, Lewis & Clark county, and Jefferson county offered a letter confirming their commitment to work cooperatively to program, design and construct the Colonial Drive improvements. We have a shortfall of approximately \$1.8 million. We've had several meetings to discuss how to address that and Currie expressed confidence that they would find a solution.

Rice commented that the various governmental entities involved have pulled together to focus on a single goal and they've done an amazing job at bypassing the controversial elements in order to move forward.

The **Custer Avenue interchange** proposal comes from the same record of decision from the same EIS. This project is estimated at \$7.8 million, which we do not have funding for. This fall, when we look at the tentative construction plan, we will know more about funding scenarios. In the mean time, we would like the commission to approve this as a project, and approve partial preliminary engineering work for the design.

\$250,000 is requested for the Custer Avenue interchange and \$100,000 for the South Helena interchange.

Tom Lythgoe, Jefferson county commissioner, referred to the letter provided by the combined local governments.

Mike Murray, chairman of the Lewis & Clark county commission, expressed that they had waited patiently for the Forestvale interchange (18 years), followed by a tiered EIS, which took an additional 3 years. However, the Custer proposal has an east-west link, so it will serve a greater area than the Forestvale interchange would have served. As a result of the EIS we have a much better, stronger proposal for you to look at. Commission Lythgoe and I both served on the EIS study commission. We didn't ask enough questions, and thought the connector road was part of the project. That was our mistake. Murray endorsed the proposal and confirmed cooperation with MDT staff and the other local governments in working toward these two projects.

Tim Burton, Helena city manager, represented Mayor Smith who became ill. The Helena City Commission is also on the record in terms of supporting CTEP and other resources toward this project. We are committed to seeing these projects to their conclusion and committed resources.

Greg Dahl, managing member for Mountain View Meadows, expressed concern regarding access to the east of the proposed south Helena interchange. He provided a copy of his testimony and three maps. He said there is an opportunity for first class urban planning.

Commissioner Howlett asked at what point developers own responsibility for the impact of their development on public infrastructure. Fourteen hundred homes will put a tremendous burden on the system. Dahl said he has agreements with the city of East Helena to donate land for two elementary schools and one middle school. He would be responsible for the up front costs of installing water and sewer infrastructure, curb and gutter, and paving. He would be willing to build outside his property and build a road from his development to the interchange, through the Padbury Estates. He is also willing to fund a traffic study for the east side of the interchange.

Commissioner Rice asked how long Dahl had owned the property. Dahl said eight months. The seller made no warranties or representations regarding the future of an interchange.

Anne Macdonald, a resident of Helena, expressed concern that the developments which already exist in Helena – not potentially exist – are not being served by interstate access. She questioned Galt regarding her recollection that he'd committed \$2 million at a transportation coordinating committee (TCC) towards planning and designing the Custer Avenue interchange. Galt stated that, at that meeting, he had stated there was \$5.8 million available, compared to \$125+ million worth of needs. He said he'd come before the commission and get approval to begin design work on the Custer interchange, and talk about what we could do with the south Helena interchange. He also made a prediction that Helena would get one or two interchanges in the next twenty years, and that the only way Helena would get two interchanges would be if the south Helena interchange would go first. So we are here today to follow-up on those commitments and get both projects programmed.

Tom Lythgoe emphasized the importance of dealing with the findings of the Interstate 15 corridor EIS. Part of the rationale for the south interchange is to relieve congestion on the Capitol interchange. Everything being equal, perhaps Director Galt would have recommended building the Custer interchange first. But it's not. The south area is wide open.

Tom Harrison, a lawyer in Helena, said he represented the Padbury Group and bought into the investment in 1978. He said they tried to get Custer developed years ago and it was difficult for many reason. Galt's decision was the only reasonable one given the circumstances. This is not the time or place to deal with the east side development. There are big projects, such as the hospital face realignment (a \$40 million project), waiting on this interchange.

Commissioner Rice asked Tom Harrison about the loop road, which would propose to connect the east side with US highway 12, and if the right-of-way for that had been donated. Mr. Harrison said it had been removed.

Commissioner Howlett asked Director Galt how do we build into this process some of the issues raised regarding the east side development. Galt responded that there are two issues: one, the subdivision process, and two, the request for access. We don't have an east side road in our funding plan. That's up to the developers to plan and finance, and ask the commission for access onto the state highway system.

Commissioner Anderson asked whose jurisdiction the frontage road connecting the two interchanges would be. Currie said it is not on the state system. Once constructed, the commission would likely be asked to put it on the system. It's important that we stay with the ROD so we don't get crosswise with the environmental process.

Reardon emphasized the commission, by so moving, is naming these interchanges as projects and advancing them. Commissioner Espy moved to accept staff's recommendation to provide \$250,000 for preliminary engineering on the Custer interchange; Commissioner Reiter seconded. All commissioners present voted aye. Commissioner Rice moved to adopt staff's recommendation to provide \$100,000 for preliminary engineering on the south interchange and add it to our project selection list; Reiter seconded. All commissioners present voted aye.

02-04-27 Letting lists

The letting for April will be approximately \$20 million, \$30 million for May. June is expected to have a \$45 million letting, July a \$10 million letting, and \$18 million in August. That will include our first design-build project: the weigh station at Wibaux. September is slated for \$16 million and hopefully the Jocko Bridge will be in it, even though it's not currently listed. There will not be a letting in October.

Commissioner Rice moved to approve the letting lists; Commissioner Reiter seconded the motion. All commissioners present voted aye.

Scenic-Historic Byways (continued)

Galt said time is of the essence in going through the administrative rules procedure. He proposed the following amendments to the final draft:

- Item #4, strike "and landowners"
- Item #5 strike "entity"
- Strike item #6 (iii)
- Item #8 strike "landowners and"
- Strike #9 (entire paragraph)

Commissioner Anderson suggested a change to #5, change "is not intended to" to "shall not."

Commissioner Espy moved to accept the draft rules with the amendments just proposed; Commissioner Rice seconded the motion. All commissioners present voted aye.

02-04-28 Certificates of completion for February 2004; revised certificates of completion for December 2003

Commissioner Reiter moved to accept the certificates; Commissioner Rice seconded the motion. All commissioners present voted aye.

02-04-29 Work/change orders

- a) January 2004 = \$312,146.42
- b) February 2004 = \$532,492.17

Commissioner Reiter said he likes the new thing “monthly change order amount for work types”; Marshik recognized Lisa Durbin, the new construction administration services bureau chief, for the idea. Loran Frazier added there will be a change order in response to the breaking of a reservoir on Hoover Creek near the interstate. Marshik pointed the commission to the list of work types, he hopes this will help us refine our design.

Commissioner Rice moved to adopt the change orders, sans Albion South; Commissioner Reiter seconded the motion. All commissioners present voted aye. Commissioner Reiter moved to adopt the change order for the Albion project; Commissioner Espy seconded. Four commissioners voted aye; Commissioner Rice abstained.

02-04-30 Liquidated damages

- a) \$33,528 assessed on STPP 42-1(5)0 *MT 200 – North* (Prince Inc.)
- b) \$4,485 assessed on STPS-0NH-STPX-STPP-IM 0002(620) *Durable Pavement Markings – Great Falls District* (United Rentals Highway Tech, Inc)
- c) \$25,333 assessed on NH 23-1(19)48F *Coalwood-North* (E.H. Oftedal & Sons, Inc.)
- d) \$18,424 assessed on NH 23-2(20)56F *Coalwood-South* (E.H. Oftedal & Sons, Inc.)
- e) \$36,330 assessed on NH 23-2(18)64F *Olive-North & South* (E.H. Oftedal and Sons Inc.)
- f) \$12,573 assessed on STPP 54-1(7)9 *2km N of Biddle-North* (Prince Inc.)
- g) \$1,828 assessed on SFCP 19-1(26)27 *Georgetown Lake-North and tied projects* (Montana Materials dba L. S. Jensen)

Staff recommends no action. Commissioner Reiter moved to allow the liquidated damages to stand; Commissioner Espy seconded.

02-04-31 Commission discussion and public comment

- The discussion on urban funding will be postponed until the next meeting.
- Currie said the commission used to invite local officials to “break bread” with them the night before the commission meeting. It seemed to increase participation. Commissioner Rice recommended keeping business and social activities separate. When they are mixed, the results can be tragic, witness Marysville. Reardon offered that the commission would need to be careful about their discussions in a social setting, bearing in mind that three or more commissioners together discussing a matter under their jurisdiction constitutes an official meeting.

Commissioner Espy offered to host a meeting in Baker with a dinner at Plevna. The group agreed to try the idea of inviting local officials to a no-business, no-host dinner.

- Update on the emergency bridge project in Butte: the I-15 bridge over Montana Street. Jeff Ebert, Butte district administrator, said after the damage, staff determined it was not safe to run any traffic on the bridge. Traffic was detoured onto the other side of the bridge, running two ways. The damaged span was removed to prevent the road from having to be closed again at a later date for removal. A more permanent detour put in place so as to provide access to the businesses in the area.

We spoke with Gilman, Hollow, and Helena Sand & Gravel who all have equipment in the area, about installing paved crossovers. HS&G did not submit a bid. Both Hollow and Gilman’s bids were within \$1,000 of each other. Hollow was awarded the contract in the \$60,000 range.

We also contacted four companies about removing the bridge span. Tamietti was awarded that contract. The bridge was removed by Saturday. Hollow finished the paving of the crossovers yesterday, along with the traffic control.

The one minor detail we forgot to look into was wide-load trucks coming off the interstate. We cannot bring them in and out on the westbound ramp and the contractor is in the process of installing the eleven detour signs. Looks like Montana Street will be reopened tomorrow. We have been in contact with Butte-Silver Bow and they have been very understanding and appreciative that we could reopen within a week rather than a month. Commissioner Reiter said it sounds like you did a good job and moved fast.

Currie asked if staff would have anticipated the wide load question, what other options we may have had. Ebert said there aren't really any other options.

- Work on the Milk River bridge is progressing. We plan to have traffic on the new structure by June, which will have been about six months since the structure was damaged.

02-4-32 Schedule next commission meeting

Galt said June 3-4 is the aeronautics board meeting in West Yellowstone and would provide an opportunity for the two groups to interface. The group agreed to meet the afternoon of the 3rd, have dinner together, and finish up the morning of the 4th.

Shiell Anderson, Chairman
Montana Transportation Commission

David A. Galt, Director
Montana Department of Transportation

Lorelle Demont, Secretary
Montana Transportation Commission